

189 U. S. Decisions on Petitions for Writs of Certiorari.

costs and interest, on the authority of *Wheeler v. New York etc. Railroad Company*, 178 U. S. 321; *New York and New England Railroad Company v. Bristol*, 151 U. S. 556; *Arrow-smith v. Harmoning*, 118 U. S. 194; *Little Rock etc. Railway Company v. Worthen*, 120 U. S. 97-102; *Davidson v. New Orleans*, 96 U. S. 97, 105. See 53 Atl. Rep. 656. *Mr. Arthur M. Marsh* for plaintiff in error. *Mr. Stiles Judson, Jr.*, for defendant in error.

Decisions on Petitions for Writs of Certiorari.

From March 2 to May 3, 1903.

No. 512. JOSEPH H. CHING, PETITIONER, *v.* UNITED STATES. March 2, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. George E. Hamilton* and *Mr. Adrian Posey* for petitioner. *Mr. Solicitor General Richards* for respondent.

No. 573. EUFAULA COTTON OIL COMPANY ET AL., PETITIONERS, *v.* STILLWELL & BIERCE AND SMITH-VAILE COMPANY. March 2, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. William Edgar Simonds* for petitioners. *Mr. E. E. Wood* for respondent.

No. 577. PHILIP S. WITHERSPOON, PETITIONER, *v.* FREDERICK P. OLCOTT. March 2, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. W. O. Davis* for petitioner. No appearance for respondent.

No. 592. WALTER N. DIMMICK, PETITIONER, *v.* UNITED STATES.

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March 2, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. George D. Collins* for petitioner. *Mr. Solicitor General Richards* for respondent.

No. 599. WILLIAM E. FERGUSON ET AL., ETC., PETITIONERS, *v.* ENOCH HELLIENSEN ET AL. March 2, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. James J. Macklin* and *Mr. Le Roy S. Gove* for petitioners. *Mr. Wilhelmus Mynderse* for respondents.

No. 608. WILLIAM J. HUME, PETITIONER, *v.* UNITED STATES. March 2, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. J. D. Rouse*, *Mr. William Grant* and *Mr. H. M. Jordan* for petitioner. *Mr. Solicitor General Richards* for respondent.

No. 613. STEAMSHIP EAGLE POINT, ETC., PETITIONER, *v.* LIVERPOOL, BRAZIL AND RIVER PLATE STEAM NAVIGATION COMPANY, LIMITED. March 2, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. Wilhelmus Mynderse* for petitioner. *Mr. Charles C. Burlingham* and *Mr. Harrington Putnam* for respondent.

No. 617. PAUL CAPDEVIELLE, MAYOR, ETC., ET AL., PETITIONERS, *v.* UNITED STATES EX REL. D. M. KILPATRICK ET AL. March 2, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Frank B. Thomas* for petitioners. *Mr. J. D. Rouse*, *Mr. William Grant* and *Mr. H. M. Jordan* for respondents.

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NO. 247. BOARD OF COMMISSIONERS OF WILKES COUNTY ET AL., PETITIONERS, *v.* W. N. COLER & Co. March 9, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted. *Mr. A. C. Avery* for petitioners. *Mr. John F. Dillon, Mr. Charles Price, Mr. Harry Hubbard and Mr. John M. Dillon* for respondents.

NO. 457. DAVID R. JULIAN, SHERIFF, ETC., ET AL., PETITIONERS, *v.* CENTRAL TRUST COMPANY ET AL. March 9, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted. *Mr. A. C. Avery, Mr. Lee S. Overman and Mr. C. A. Mountjoy* for petitioners. *Mr. Charles Price* for respondents.

NO. 612. ALPHONSE EMSHEIMER, PETITIONER, *v.* CITY OF NEW ORLEANS. March 9, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. J. D. Rouse, Mr. William Grant and Mr. H. M. Jordan* for petitioner. No appearance for respondent.

NO. 625. ARTHUR JOHN BUSTON, PETITIONER, *v.* PENNSYLVANIA RAILROAD COMPANY. March 9, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. Richard C. Dale, Mr. George W. Pepper and Mr. Samuel Dickson* for petitioner. *Mr. John G. Johnson and Mr. Frank P. Prichard* for respondent.

NO. 609. CREED AND CRIPPLE CREEK MINING AND MILLING COMPANY, PETITIONER, *v.* UINTA TUNNEL, MINING AND TRANSPORTATION COMPANY. March 16, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted. *Mr. Charles S. Thomas, Mr. Wm. H. Bryant and Mr. H. H. Lee* for petitioner. *Mr. Charles J. Hughes, Jr.*, for respondent.

No. 623. CHARLES B. KIMBELL ET AL., PETITIONERS, *v.* CHICAGO HYDRAULIC PRESS BRICK COMPANY ET AL. March 16, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Edmund H. Smalley* for petitioners. *Mr. Edward Cunningham, Jr.*, and *Mr. Edward C. Eliot* for respondents.

No. 628. HENRY C. PAYNE, POSTMASTER GENERAL, PLAINTIFF IN ERROR AND PETITIONER, *v.* UNITED STATES EX REL. NATIONAL RAILWAY PUBLICATION COMPANY. March 16, 1903. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted. *Mr. Solicitor General Richards* for petitioner. No appearance for respondent.

No. 629. HENRY C. PAYNE, POSTMASTER GENERAL, PLAINTIFF IN ERROR AND PETITIONER, *v.* UNITED STATES EX REL. RAILWAY LIST COMPANY. March 16, 1903. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted. *Mr. Solicitor General Richards* for petitioner. No appearance for respondent.

No. 636. WILLIAM A. WRIGHT, COMPTROLLER GENERAL, PETITIONER, *v.* LOUISVILLE AND NASHVILLE RAILROAD COMPANY ET AL. March 23, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Boykin Wright* and *Mr. John C. Hart* for petitioner. *Mr. Alex. C. King* for respondents.

No. 638. MEXICAN NATIONAL RAILROAD COMPANY, PETITIONER, *v.* NIEL JACKSON. March 23, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Thomas W. Dodd* for petitioner. No appearance for respondent.

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No. 619. ROBERT H. DOWNMAN ET AL., PETITIONERS, *v.* GERMAN INSURANCE COMPANY OF FREEPORT, ILL. April 6, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. H. N. Atkinson* for petitioners. No appearance for respondent.

No. 630. UNITED STATES, PETITIONER, *v.* ALFRED R. MULLINS. April 6, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Solicitor General Richards* for petitioner. *Mr. Alexander Pope Humphrey* for respondent.

No. 633. WEEKER GIVEN, PETITIONER, *v.* TIMES-REPUBLICAN PRINTING COMPANY ET AL. April 6, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. A. A. Lipscomb* for petitioner. *Mr. A. B. Cummins*, *Mr. Wm. W. Dudley* and *Mr. Louis T. Michener* for respondents.

No. 631. JOHN R. CLARKE, PETITIONER, *v.* TOWN OF NORTHAMPTON. April 20, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Fayette B. Tiffany*, *Mr. Henry J. Cookinham* and *Mr. John M. Thurston* for petitioner. *Mr. Fred. Linus Carroll* and *Mr. Andrew J. Nellis* for respondent.

No. 663. RALPH MOORE, ETC., PETITIONER, *v.* SOUTHERN RAILWAY COMPANY. April 20, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Henry H. Ingersoll* for petitioner. *Mr. W. A. Henderson* and *Mr. Leon Jourolmon* for respondent.

No. 652. H. BAUENDAHL & Co., PETITIONERS, *v.* JACOB S.

Cases Disposed of Without Consideration by the Court. 189 U. S.

BERNHEIMER & BRO. April 27, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Adolph G. Wolf* for petitioners. *Mr. Max J. Kohler* for respondents.

No. 669. S. WARREN LAMSON ET AL., PETITIONERS, *v.* CHARLES F. HUTCHINS, EXECUTOR, ETC. April 27, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Wm. H. Barnum* for petitioners. No appearance for respondent.

No. 672. THE STEAMSHIP ELY, ETC., PETITIONER, *v.* WILLIAM B. BOWRING ET AL. April 27, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. J. Parker Kirlin* and *Mr. Charles R. Hickox* for petitioner. *Mr. Wilhelmus Mynderse* for respondents.

Cases Disposed of Without Consideration by the Court.

From March 2 to May 3, 1903.

No. 233. CHARLES DOHERTY, PLAINTIFF IN ERROR, *v.* STATE OF VERMONT. Error to the Supreme Court of the State of Vermont. March 2, 1903. Dismissed, on authority of counsel for plaintiff in error. *Mr. Tracy L. Jeffords* for plaintiff in error. *Mr. C. A. Prouty* for defendant in error.

No. 184. CONTRACTING AND BUILDING COMPANY OF KENTUCKY, PETITIONER, *v.* CONTINENTAL TRUST COMPANY. March 4, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit dismissed for the want of prosecution. *Mr. Thomas Emery* and *Mr. John Ford* for petitioner. No appearance for respondent.